

INTERFERENCE DIGEST

Interference No. 105,499

Paper No.

Name: Roger Coleman et al.

Serial No.: 10/057,275

Patent No.

Title: Chemokines panec-2 polynucleotides, polypeptides, antibodies and methods of making and using them

Filed: 10/25/01

Interference with Li et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

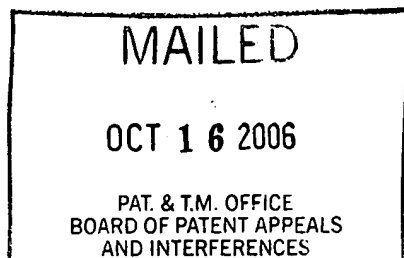
This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard E. Schafer
Telephone: 571-272-4683
Facsimile: 571-273-0042



Applicants: COLEMAN
Application No.: 10/057,275
Filed: 10/25/01
For: Chemokines panec-2 polynucleotides,
polypeptides, antibodies and methods of making
and using them

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,499.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard E. Schafer/
RICHARD E. SCHAFER
Administrative Patent Judge

Mail Stop Interference
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Paper 1
Filed: October 16, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences, Inc.,
Junior Party
(Patent 6,518,046,
Inventors: Haodong Li and Mark D. Adams),

v.

Incyte Corporation,
Senior Party
(Application 10/057,275,
Inventors: Roger Coleman, Olga Bandman and Craig G. Wilde).

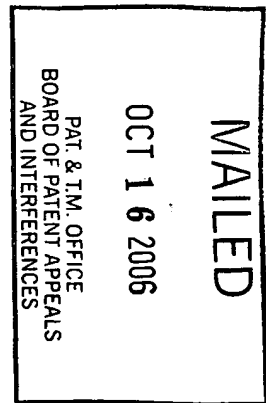
Patent Interference 105,499 (RES)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).



Part B. Judge managing the interference

Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. 37 CFR § 41.104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m. on December 13, 2006** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A time periods for taking action during the motion phase are set in an order accompanying this declaration.

Part E. Identification and order of the parties

Junior Party

Named inventors:	Haodong Li Mark D. Adams
Involved Patent:	6,518,046 issued February 11, 2003 based on Application 08/793,381 filed May 19, 1997
Title:	Human Chemokine Beta-9
Assignee:	Human Genome Sciences, Inc.

Senior Party

Named Inventors:	Roger Coleman Olga Bandman Craig G. Wilde
Application:	10/057,275 filed October 25, 2001
Title:	Chemokines Panec-2 Polynucleotides, Polypeptides, Antibodies and Methods of Making and Using Them
Assignee:	Incyte Corporation

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

An isolated polynucleotide encoding the polypeptide of SEQ ID NO: 4 of Application 10/057,275, said polypeptide having chemokine activity leading to the activation of T lymphocytes wherein said polynucleotide consists of the sequence of SEQ ID NO: 3 of Application 10/057,275,

or

an isolated polynucleotide comprising a nucleic acid sequence encoding the polypeptide set forth as contiguous amino acid residues 1 to 134 of SEQ ID NO:2 of Patent 6,518,046 said polypeptide having the property of mediating the recruitment of leukocytes wherein the nucleic acid sequence is nucleotides 1 to 402 of SEQ ID NO:1 of Patent 6,518,046.

The claims of the parties are:

HGS (Li) Patent 6,518,046: Claims 1-59

Incyte (Coleman) Application 10/057,275: Claims 3-7, 9-10, 12-13, 62

The claims of the parties that correspond to Count 1 are:

HGS (Li) Patent 6,518,046: Claims 1-18, 25-43

Incyte (Coleman) Application 10/057,275: Claims 3-7, 9-10, 12-13, 62

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference, are:

HGS (Li) Patent 6,518,046: Claims 19-24, 44-59

Incyte (Coleman) Application 10/057,275: Claims None

The parties are accorded the following benefit for Count 1:

HGS: PCT/US95/06260 June 6, 1995

Incyte: 08/390,740 February 17, 1995

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

Paper _____

Filed on behalf of: *Party @.*

By: *Counsel Name(s) @*

Address @

(@@@) @@@- @@@@ (telephone)

(@@@) @@@- @@@@ (facsimile)

Email address

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
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(Patent 6,518,046,
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Patent Interference 105,499 (RES)
(Technology Center 1600)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,518,046
Copy of claims of Application 10/057,275

Revised 3 January 2006

cc (via overnight delivery):

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